

By Brook

S.B. No. 268

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a Pressure Vessel Division in the Texas Department of Labor and Standards and the Advisory Board of Pressure Vessel Rules and defining their duties and responsibilities; requiring that certain pressure vessels meet certain standards; providing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. SHORT TITLE. This Act may be cited as the Pressure Vessel Act.

Sec. 2. DEFINITIONS. For the purposes of this Act:

(1) "Commissioner" means the Commissioner of the Texas Department of Labor and Standards.

(2) "Board" means the Advisory Board of Pressure Vessel Rules.

(3) "Director" means the Director of the Pressure Vessels Division of the Texas Department of Labor and Standards.

(4) "Deputy inspector" means an inspector of boilers and pressure vessels appointed by the commissioner.

(5) "Authorized inspector" means an inspector of boilers and pressure vessels holding a Texas commission issued by the commissioner and regularly employed by a company licensed to insure pressure vessels in this state.

(6) "Special inspector" means an inspector holding a Texas certificate of competency issued by the commissioner and

1 continuously employed by an owner or user operating pressure  
2 vessels in this state for which the owner or user maintains a  
3 regularly established owner-user inspection service pursuant to  
4 this Act.

5 (7) "Inspector" means the director, a deputy inspector,  
6 an authorized inspector, or a special inspector.

7 (8) "Owner or user" means any person, firm, or corporation  
8 owning, operating, in charge of, or in control of a pressure  
9 vessel in this state.

10 (9) "Owner-user inspection service" means a self-inspection  
11 program meeting the requirements of this Act maintained by an  
12 owner or user.

13 (10) "ASME Code" means the American Society of Mechanical  
14 Engineers Boiler and Pressure Vessel Code with revisions,  
15 amendments, and interpretations adopted by the council of the  
16 society and adopted by the board.

17 (11) "National board" means the National Board of Boiler  
18 and Pressure Vessel Inspectors.

19 (12) "Operating limits" means the acceptable limits of  
20 pressure and temperature promulgated by the board.

21 (13) "Pressure vessel" means any vessel in which the  
22 pressure is obtained from an external source or by the application  
23 of heat.

24 (14) "Certificate inspection" means the inspection used  
25 by the director in deciding whether or not to issue a certificate  
26 of operation.

27 (15) "Special inspection" means any inspection performed

1 by the director or any deputy inspector other than the inspection  
2 required by Section 16 of this Act.

3 (16) "Certificate of Operation" means a certificate issued  
4 by the director for the operation of a pressure vessel.

5 Sec. 3. BOARD OF PRESSURE VESSEL RULES. (a) There is  
6 established within the Texas Department of Labor and Standards  
7 the Advisory Board of Pressure Vessel Rules, consisting of nine  
8 members appointed by the commissioner. Except for the initial  
9 appointees, members hold office for terms of six years expiring  
10 on January 31 of odd-numbered years. In making the initial  
11 appointments, the commissioner shall designate three for terms  
12 expiring in 1977, three for terms expiring in 1979, and three for  
13 terms expiring in 1981.

14 (b) The commissioner may remove any member of the Board  
15 for inefficiency or neglect of duty in office. On the death or  
16 incapacity of any member, the commissioner shall fill the vacancy  
17 for the remainder of the vacated term with an individual  
18 representative of the same interests with which his predecessor  
19 was identified.

20 (c) The members must have experience with pressure vessels  
21 and at least three must be registered professional engineers  
22 licensed in this state. Three members must be representatives  
23 of owner or users, two must be representatives of pressure vessel  
24 manufacturers, two must be representatives of companies insuring  
25 boilers and pressure vessels in this state, one must be a  
26 mechanical engineer on the faculty of a recognized engineering  
27 college in the state, and one must be a representative of a labor

1 union.

2 (d) The commissioner shall be an ex officio member of the  
3 board and shall serve as chairman. At the call of the chairman,  
4 the board shall meet at least four times each year at a place  
5 designated by the board. No decision of the board shall be  
6 effective unless supported by the vote of at least five members.

7 (e) The board members serve without salary, but are entitled  
8 to reimbursement for actual expenses incurred in the performance  
9 of their duties as board members.

10 Sec. 4. RULES AND REGULATIONS. (a) The board shall  
11 promulgate rules and regulations for safe construction,  
12 installation, operating limits, alteration, and repair of pressure  
13 vessels in this state and for inspections necessary to carry out  
14 the provisions of this Act.

15 (b) The rules and regulations for new construction and  
16 installation shall follow generally accepted engineering standards,  
17 formulas, and practices pertaining to pressure vessel construction  
18 and safety. The board may adopt the ASME Code as part of the  
19 rules and regulations.

20 (c) The rules and regulations for pressure vessels in  
21 operation before the effective date of the initial rules and  
22 regulations shall follow generally accepted engineering standards,  
23 formulas, and practices and may be based on the National Board  
24 Inspection Code.

25 (d) The board shall conduct a hearing on all promulgated  
26 rules and regulations. The time, place, and matters to be  
27 considered at the hearing shall be posted for 20 days preceding

1 the hearing in a manner designed to give actual notice. All  
2 persons directly affected shall be mailed a notice at least 20  
3 days prior to the hearing. Notice shall also be published in a  
4 Texas newspaper of general publication 28 days before the hearing.

5 (e) After the board's hearing, the commissioner may approve  
6 the promulgated rules and regulations and cause the approved rules  
7 and regulations to be published. Except for the rules and  
8 regulations concerning construction specifications and the initial  
9 rules and regulations, rules and regulations shall be effective  
10 upon publication. All rules and regulations concerning  
11 construction specifications may not be effective until 12 months  
12 after the date of publication of the rules.

13 (f) With the commissioner's approval, the board may set  
14 an effective date for amendments of the rules and regulations,  
15 provided the effective date is not more than 12 months from the  
16 date of publication of the amendments.

17 Sec. 5. PROCEDURE FOR MODIFICATION OR VARIATION. (a) Any  
18 person aggrieved by a rule, regulation, or decision of the board  
19 may notify the board of the grievance in writing; the board shall  
20 consider the grievance and may amend or repeal the rule,  
21 regulation, or decision on its own motion. If the board fails  
22 to amend or repeal the rule, regulation, or decision within 10  
23 days of the written notice of grievance, the aggrieved party may  
24 file a written application for a hearing. The board shall conduct  
25 a hearing within 10 days after receipt of the application. At  
26 the hearing, the aggrieved party shall have the opportunity to  
27 show cause for the amendment or repeal of the rule, regulation,

1 or decision.

2 (b) On failure of the board to amend or repeal the rule,  
3 regulation, or decision, the aggrieved person may file a petition  
4 to review, set aside, modify, or suspend the action of the board  
5 within 30 days of the date of the board hearing. The suit may  
6 be brought in the district court of the county in which the vessel  
7 is located or in the district court of Travis County.

8 (c) Any owner or user may request a variation from a rule,  
9 regulation, or decision. The request for variation shall be in  
10 writing and shall specify how the variation is as safe as the  
11 rule, regulation, or decision. The board, after investigation  
12 and a hearing, if deemed necessary, may grant a variation from  
13 the terms of any rule, regulation, or decision, provided any  
14 special conditions specified are maintained to provide safety.

15 Sec. 6. PRESSURE VESSEL INSTALLATION. (a) The initial  
16 rules and regulations concerning construction and installation  
17 shall not become effective until 12 months after the date of  
18 publication.

19 (b) All pressure vessels contracted for before the  
20 publication date of the board's initial rules and regulations or  
21 constructed, installed, or placed in operation before the effective  
22 date of the initial rules shall conform to the rules and  
23 regulations for installations in existence before the publication  
24 date.

25 (c) A pressure vessel described in Subsection (b) of this  
26 section may be used or reinstalled if it conforms with the rules  
27 and regulations governing existing pressure vessels providing it

1 has been thoroughly inspected and found to be in a safe condition.

2 (d) The pressure vessel described in Subsection (b) of  
3 this section may be sold. However, the new owner must conform  
4 with the board's rules and regulations on secondhand vessels.

5 (e) The board may grant a special installation and operating  
6 permit for a pressure vessel of special design or construction  
7 if the design or construction is safe.

8 Sec. 7. EXEMPTIONS. The provisions of this Act do not  
9 apply to:

10 (1) pressure vessels owned or operated by the United States  
11 government;

12 (2) pressure vessels used for the transportation and storage  
13 of compressed or liquefied gases if constructed and operated in  
14 compliance with specifications and regulations of the United  
15 States Department of Transportation;

16 (3) pressure vessels located on vehicles operating pursuant  
17 to regulations of other state authorities, and used for carrying  
18 passengers or freight;

19 (4) pressure vessels installed on the rights-of-way of  
20 railroads and used directly in the operation of trains;

21 (5) pressure vessels having an internal or external  
22 operating pressure not exceeding 15 PSIG with no limit on size;

23 (6) pressure vessels with a nominal water-containing  
24 capacity of 120 gallons or less for containing water under  
25 pressure, including those containing air, the compression of which  
26 serves only as a cushion;

27 (7) pressure vessels containing water heated by steam or

1 any other indirect means when none of the following limitations  
2 are exceeded:

3 (A) a heat input of 200,000 BTU per hour;

4 (B) a water temperature of 200°F;

5 (C) a nominal water-containing capacity of 120 gallons;

6 (8) pressure vessels that do not exceed:

7 (A) five cubic feet in volume and 250 PSIG pressure; or

8 (B) one and one-half cubic feet in volume and 600 PSIG  
9 pressure; or

10 (C) an inside diameter of six inches with no limitation  
11 on pressure;

12 (9) pressure vessels which are under the regulation and  
13 control of the Texas Railroad Commission;

14 (10) piping and pipelines;

15 (11) fired process tubular heaters and furnaces;

16 (12) pressure vessels covered by Chapter 436, Acts of the  
17 45th Legislature, Regular Session, 1937, as amended (Article  
18 5221c, Vernon's Texas Civil Statutes);

19 (13) pressure vessels in buildings occupied solely for  
20 residence purposes with accommodations for not more than four  
21 families;

22 (14) pressure vessels located on farms and used exclusively  
23 for agricultural purposes;

24 (15) pressure vessels in use solely by and in the care,  
25 custody, and control of research facilities for research that  
26 will result in the destruction of the vessel;

27 (16) any pressure vessel used as an integral part of an



1 electrical circuit breaker or transformer; or

2 (17) mechanical equipment other than pressure vessels.

3 Sec. 8. EXEMPTION FROM PERIODIC INSPECTION. (a) The  
4 provisions of this Act requiring periodic inspection do not apply  
5 to the following:

6 (1) pressure vessels on remote oil- and gas-producing lease  
7 locations that have fewer than ten buildings intended for human  
8 occupancy per .25 square miles and the closest building is 220  
9 yards from the vessels;

10 (2) pressure vessels in anhydrous ammonia service in the  
11 possession of distributors exclusively used for agricultural  
12 purposes; or

13 (3) pressure vessels between 5 and 15 cubic feet in volume  
14 and 250 PSIG pressure used as air receivers in industrial  
15 establishments.

16 (b) The director may require a special inspection of any  
17 pressure vessel covered by this section if he has cause to believe  
18 the vessel does not meet the requirements of this Act or the  
19 board's rules and regulations.

20 Sec. 9. DIRECTOR. (a) The commissioner shall appoint as  
21 director a citizen of this state, or if not available, a citizen  
22 of another state, who (i) has at the time of the appointment not  
23 less than 10 years experience in the construction, installation,  
24 inspection, operation, maintenance, or repair of pressure vessels  
25 as a mechanical engineer or pressure vessel inspector, and (ii)  
26 has passed the type of examination described in Section 13 of  
27 this Act. The director may be removed for cause after

1 investigation by the board, the board's recommendation of removal,  
2 and approval by the commissioner.

3 (b) The director shall:

4 (1) take action necessary for the enforcement of this Act;

5 (2) keep a complete record of the name of each owner or  
6 user, and his location and, except for owner-user inspection  
7 service vessels, the type, dimensions, maximum allowable working  
8 pressure, age, and date of the last recorded inspection of all  
9 pressure vessels to which this Act applies;

10 (3) publish and upon application make available copies of  
11 the board's rules and regulations;

12 (4) issue, suspend, or revoke for cause a certificate of  
13 operation;

14 (5) cause the prosecution of violators of the provisions  
15 of this Act; and

16 (6) from the money appropriated by the legislature pay the  
17 expenses authorized by this Act including the maintenance expenses  
18 of the director's office and traveling expenses of the director  
19 and his deputies.

20 Sec. 10. DEPUTY INSPECTORS. The commissioner shall appoint  
21 deputy inspectors to be responsible to the director. They shall  
22 pass the examination described in Section 13 of this Act, be at  
23 least 25 years of age, and have education and experience equal  
24 to at least one of the following:

25 (1) a degree in mechanical engineering plus one year of  
26 experience in the design, construction, operation, or inspection  
27 of high pressure boilers and pressure vessels;

1           (2) a degree in a branch of engineering other than  
2 mechanical engineering plus two years of experience in design,  
3 construction, operation, or inspection of high pressure boilers  
4 and pressure vessels; or

5           (3) the equivalent of a high school education plus three  
6 years of experience:

7           (A) in high pressure boiler and pressure vessel construction  
8 or repair;

9           (B) as an operating engineer in charge of high pressure  
10 boiler operation; or

11           (C) as an inspector of high pressure boilers and pressure  
12 vessels.

13           Sec. 11. AUTHORIZED INSPECTORS. (a) The commissioner  
14 shall, upon the request of any company licensed to insure boilers  
15 and pressure vessels in this state, issue to an inspector of the  
16 company a commission as an authorized inspector, if the inspector  
17 passes the examination described in Section 13 of this Act or  
18 holds a commission as an inspector of boilers and pressure vessels  
19 issued by the national board.

20           (b) An authorized inspector may not receive a salary from  
21 or have any of his expenses paid by the state.

22           (c) The continuance of an authorized inspector's commission  
23 is conditioned upon his continuing in the employ of a company  
24 licensed to insure boilers and pressure vessels in this state.

25           Sec. 12. SPECIAL INSPECTORS. (a) The director shall issue  
26 a certificate of competency as a special inspector to an inspector  
27 employed by an owner or user which:

1           (1) requests the issuance,  
2           (2) operates pressure vessels in this state,  
3           (3) maintains a regularly established inspection service  
4 under the supervision of one or more individuals whose  
5 qualifications are satisfactory to the board, and  
6           (4) causes the pressure vessels to be inspected and rated  
7 by the inspection procedure in accordance with the board's rules  
8 and regulations.

9           (b) Before receiving the certificate of competency, the  
10 inspector shall:

11           (1) be certified in accordance with Subsection (e) of this  
12 section and Section 13 of this Act,

13           (2) be continuously employed by the owner or user, and

14           (3) be responsible for the inspections of pressure vessels  
15 not for resale, and used, or to be used, by the owner or user.

16           (c) A special inspector may not receive any salary from,  
17 or have any of his expenses paid by the state.

18           (d) The continuance of a special inspector's certificate  
19 of competency is conditioned upon his continuing in the employ  
20 of the owner or user operating pressure vessels in this state and  
21 upon his maintenance of the standards imposed by this Act.

22           (e) The board's rules and regulations shall govern the  
23 certification of the applicant and issuance of a certificate of  
24 competency as a special inspector.

25           Sec. 13. EXAMINATION. Examinations for director and deputy,  
26 authorized or special inspectors shall be in writing and held by  
27 the board. At least two members of the board must be present at

1 all times during the examination. The examination shall be  
2 confined to areas of competency necessary for the specified  
3 position and be prepared in accordance with the board's rules and  
4 regulations. If an applicant for an inspector's commission or  
5 certificate of competency fails to pass the examination, he may  
6 appeal to the board for another examination which shall be given  
7 by the board within 90 days. The record of an applicant's  
8 examination shall be accessible to the applicant and his employers.

9       Sec. 14. SUSPENSION OR REVOCATION OF COMMISSION OR  
10 CERTIFICATE OF COMPETENCY. (a) After investigation and  
11 recommendation by the board, an inspector's commission or  
12 certificate of competency may be suspended by the director for  
13 incompetence, untrustworthiness, or willful falsification in the  
14 inspector's application or in an inspection report made by him.  
15 Written notice of any suspension shall be given by the director  
16 within 10 days to the inspector and his employer. A person whose  
17 commission or certificate of competency has been suspended is  
18 entitled to an appeal to the board and to be present in person  
19 and may be represented by counsel at the appeal hearing.

20       (b) If the board has reason to believe that an inspector  
21 is no longer qualified to hold his commission or certificate of  
22 competency, the board shall hold a hearing after having given  
23 written notice to the inspector and his employer at least 10 days  
24 prior to the hearing. The inspector and his employer shall have  
25 an opportunity to speak at the hearing. If the board finds that  
26 the inspector is not qualified to hold his commission or  
27 certificate of competency, the board shall recommend to the

1 commissioner that the commission or certificate of competency be  
2 revoked, the commissioner may revoke the commission or certificate  
3 of competency.

4 (c) A person whose commission or certificate of competency  
5 has been suspended is entitled to apply for reinstatement of the  
6 commission or certificate of competency 90 days after the date  
7 of the suspension.

8 Sec. 15. REPLACEMENT AND RENEWAL OF COMMISSION OR  
9 CERTIFICATE OF COMPETENCY. (a) If a commission or certificate  
10 of competency is lost or destroyed, a new commission or certificate  
11 shall be issued in its place without another examination.

12 (b) Renewal of a commission or certificate of competency  
13 is required in December of each year, at which time a new  
14 identifying card will be issued.

15 Sec. 16. INSPECTION OF PRESSURE VESSELS. (a) All new  
16 pressure vessels covered by this Act shall be inspected during  
17 construction by either an inspector authorized to inspect pressure  
18 vessels in a state which has a standard of examination  
19 substantially equal to that of this state, an inspector holding  
20 a commission issued by the national board, or an authorized user  
21 inspector as provided by the ASME Code. After inspection, all  
22 new pressure vessels shall be registered or reported to the  
23 director as follows:

24 (1) Owner-user inspection service vessels shall be reported  
25 pursuant to Section 20 of the Act.

26 (2) Vessels qualified to be stamped "National Board" shall  
27 be registered through the national board.

1           (3) Other vessels shall be registered directly with the  
2 director by the owner or user.

3           (b) On or after the effective date of the rules and  
4 regulations, each pressure vessel covered by this Act shall be  
5 given an inspection at intervals to decide whether or not a  
6 certificate of operation may be issued. A certificate of operation  
7 is not required for owner-user inspection service vessels.  
8 Pressure vessels shall be given a certificate inspection biennially  
9 unless the owner or user maintains a regularly established  
10 owner-user inspection service under the supervision of one or  
11 more individuals whose qualifications are satisfactory to the  
12 board and the owner or user causes the pressure vessels to be  
13 inspected by special inspectors in accordance with the board's  
14 rules and regulations.

15           (c) Except for owner-user inspection service vessels, a  
16 pressure vessel relocated from an existing setting shall be given  
17 a certificate inspection before it is returned to service.

18           (d) Nuclear vessels within the scope of the Act shall be  
19 inspected and reported in such form and with such appropriate  
20 information as the board requires.

21           (e) The director or a deputy inspector designated by the  
22 director shall have access during reasonable hours to any premises  
23 in the state where a pressure vessel is being constructed, altered  
24 or repaired, for use in or is being installed in this state for  
25 the purpose of ascertaining whether the pressure vessel is being  
26 constructed, installed, altered or repaired in accordance with  
27 the provisions of this Act and the board's rules and regulations.

1 Any authorized inspector employed by a company insuring pressure  
2 vessels on the premises shall also have access to the premises  
3 during reasonable hours to inspect the vessel.

4 (f) The board may permit longer periods between certificate  
5 inspections and may permit variations in inspection requirements.

6 Sec. 17. PROHIBITION AGAINST OPERATION OF PRESSURE VESSEL  
7 WITHOUT CERTIFICATE OF OPERATION. No pressure vessel covered by  
8 this Act may be operated within this state unless the pressure  
9 vessel has been recorded with the Pressure Vessel Division of the  
10 Texas Department of Labor and Standards and has been issued a  
11 certificate of operation for the vessel or unless the owner or  
12 user of the pressure vessel has complied with Sections 16 and 20  
13 of this Act. The certificate of operation remains in effect until  
14 it expires or is canceled for cause by the commissioner.

15 Sec. 18. INJUNCTION AGAINST OPERATION OF UNSAFE PRESSURE  
16 VESSELS. (a) If upon inspection, a vessel fails to meet the  
17 requirements of this Act or the board's rules and regulations,  
18 and the owner or user refuses to make suitable repairs or additions  
19 to pass a subsequent inspection, the commissioner or the director  
20 shall apply for an injunction restraining the operation of the  
21 vessel until the corrections have been made and approved by the  
22 inspector.

23 (b) The suit shall be brought in the district court in the  
24 county in which the vessel is located by either the attorney  
25 general or the district attorney of that county.

26 (c) The state shall not be required to verify pleadings  
27 or execute a bond in an injunction suit.



1 (d) The affidavit of the commissioner, the director or any  
2 deputy director that the vessel's operation constitutes a menace  
3 to the safety of any person near the installation shall be prima  
4 facie evidence of danger warranting the granting of a temporary  
5 restraining order.

6 Sec. 19. INSPECTION REPORTS AND CERTIFICATES OF OPERATION.

7 (a) Every insurance company licensed to insure pressure vessels  
8 in this state shall file a report of each certificate inspection  
9 with the director upon forms promulgated by the national board  
10 within 30 days of the inspection. If the pressure vessel complies  
11 with the board's rules and regulations, the insured shall pay a  
12 fee of \$3 to the director.

13 (b) The director shall issue to the insured a certificate  
14 of operation bearing the date of inspection and specifying the  
15 maximum allowable working pressure under which the pressure vessel  
16 may be operated. Certificates shall be posted in the room  
17 containing the pressure vessel, or in a location convenient to  
18 the pressure vessel, or shall be filed in a place where they will  
19 be accessible.

20 (c) The insured of every pressure vessel inspected by an  
21 authorized inspector on which the insurance company has issued  
22 a policy of insurance after inspection shall be exempt from  
23 inspections and inspection fees other than as provided in  
24 Subsection (a) of this section until the end of the next inspection  
25 interval. The director may authorize the inspection of any insured  
26 pressure vessel at a reasonable time believing the insured pressure  
27 vessel to be in unsafe condition. The director shall contact the

1 insured and the authorized inspector. The director or deputy  
2 inspector and the insured and the authorized inspector shall  
3 jointly inspect the pressure vessel within 20 days after notice  
4 by the director. No additional charge shall be made for this  
5 joint inspection.

6 (d) Every insurance company shall notify the director in  
7 writing of the cancellation or expiration of a policy of insurance  
8 issued by it on a pressure vessel in this state within 60 days  
9 of the expiration or cancellation of the policy, giving the reason  
10 for the cancellation or expiration.

11 (e) If upon the inspection of a new risk, an authorized  
12 inspector finds that the pressure vessel or any of the ASME  
13 code-required safety devices are in such condition that his company  
14 refuses insurance, the company shall immediately notify the  
15 director and submit a report of the defects.

16 Sec. 20. OWNER-USER INSPECTION SERVICE REPORTS AND RECORDS.

17 (a) Each company operating pressure vessels covered by its  
18 owner-user inspection service shall maintain in its files an  
19 inspection record which lists, by number and an abbreviated  
20 description necessary for identification, each pressure vessel  
21 covered by this Act, the date of the last inspection of each  
22 pressure vessel and the approximate date for the next inspection.  
23 The inspection records shall be available for examination by the  
24 director or his authorized representative during business hours.

25 (b) Each company shall file annually with the director a  
26 statement signed by the individual or individuals having  
27 supervision over the inspections made during the year, stating

1 the number of vessels at each location covered by this Act  
2 inspected during the year, and certifying that each inspection  
3 was conducted pursuant to the inspection requirements provided  
4 for by this Act.

5 (c) The annual statement shall be accompanied by a filing  
6 fee in accordance with the following schedule:

- 7 (1) statements covering 1 to 25 vessels s 3 each  
8 (2) statements covering 26 to 100 vessels s 75 each  
9 (3) statements covering 101 to 500 vessels \$150 each  
10 (4) statements covering more than 500 vessels \$300 each

11 (d) All pressure vessels scrapped, destroyed, or otherwise  
12 disposed of shall be listed by number and an abbreviated  
13 description necessary for identification in the next annual report  
14 to the director.

15 Sec. 21. INSPECTION FEES. (a) The following inspection  
16 fees shall be charged for certificate inspections performed by  
17 deputy inspectors. Fees are to be based on the maximum length  
18 of the vessel times the maximum width or diameter, to wit:

- 19 (1) 30 sq. ft. or less s 8  
20 (2) over 30 sq. ft. but less than 60 sq. ft. s 12  
21 (3) 60 sq. ft. but less than 100 sq. ft. s 15  
22 (4) 100 sq. ft. or over s 20

23 (b) The fee for a special inspection shall be \$100 a day  
24 plus necessary travel expenses.

25 Sec. 22. CREATION OF THE STATE PRESSURE VESSEL INSPECTION  
26 FUND. The fees collected pursuant to this Act shall be deposited  
27 in the state treasury to the credit of the State Pressure Vessel

1 Inspection Fund to be used by the Pressure Vessel Division in the  
2 administration of this Act.

3 Sec. 23. AFFIDAVIT OF COMMISSIONER. An affidavit under  
4 the seal of the commissioner executed by the commissioner, the  
5 director or any deputy inspector, setting forth the terms of any  
6 order of the commissioner, when it was adopted, promulgated, and  
7 published, and that it was in effect during any period specified  
8 shall be prima facie evidence of all facts in the affidavit, and  
9 shall be admitted in evidence in any action, civil or criminal,  
10 involving the order.

11 Sec. 24. PENALTY. (a) Any person, firm, corporation, who  
12 violates the provisions of this Act is guilty of a misdemeanor  
13 and upon conviction is punishable by a fine of not less than \$50  
14 nor more than \$200, or by confinement in the county jail for not  
15 more than 60 days, or by both.

16 (b) Any person in control of a place where a pressure  
17 vessel subject to inspection under this Act is located, who  
18 prevents or deters an authorized employee of the Pressure Vessel  
19 Division from carrying out the provisions of this Act, is guilty  
20 of a misdemeanor and upon conviction is punishable by a fine of  
21 not more than \$100, or by confinement in the county jail for not  
22 more than 60 days, or by both.

23 Sec. 25. PERIOD FOR INITIAL RECORDING. After the effective  
24 date of this Act, the board shall allow all owners or users 12  
25 months in which to initially record all pressure vessels with the  
26 board.

27 Sec. 26. EMERGENCY. The importance of this legislation

1 and the crowded condition of the calendars in both houses create  
2 an emergency and an imperative public necessity that the  
3 constitutional rule requiring bills to be read on three several  
4 days in each house be suspended, and this rule is hereby suspended,  
5 and that this Act take effect and be in force from and after its  
6 passage, and it is so enacted.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 18, 1975

Honorable William T. "Bill" Moore, Chairman  
Senate State Affairs Committee  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 268  
By: Brooks

Sir:

In response to your request and pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Bill No. 268 (relating to the creation of a Pressure Vessel Division in the Texas Department of Labor and Standards) to be as follows:

The probable revenues of implementing the provisions of the bill during each of the first five years following passage are estimated as follows:

<u>Fiscal Year</u>	
1976	\$ 262,500
1977	1,312,500
1978	2,625,000
1979	3,937,500
1980	5,250,000

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	
1976	\$ 516,966
1977	545,944
1978	545,944
1979	545,944
1980	545,944

Similar fiscal results will continue as long as the provisions of the bill are in effect.

  
Thomas M. Keel  
Director

Brook

AN ACT relating to the creation of a Pressure Vessel Division in the Texas Department of Labor and Standards and the Advisory Board of Pressure Vessel Rules and defining their duties and responsibilities; requiring that certain pressure vessels meet certain standards; providing penalties; and declaring an emergency.

2-6-75  
**FEB 10 1975**

Filed with the Secretary of the Senate

Read, referred to Committee on STATE AFFAIRS

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

Read second time and { ordered engrossed.  
passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Engrossed

\_\_\_\_\_  
Sent to HOUSE

\_\_\_\_\_  
ENGROSSING CLERK